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REMARKS

Rejection of Claims and Summary of Response

Claims 1-123 were pending. Claims 1-20, 22-25, 27-33 and 35-123 were rejected under 35 U.S.C. § 102. Claims 21, 26 and 34 were rejected under 35 U.S.C. § 103. Claims 124-127 have been added. Reconsideration and allowance of Claims 1-123, and allowance of Claims 124-127, is requested.

Rejection of Claims under 35 U.S.C. § 102

In the Office Action, Claims 1-20, 22-25, 27-33 and 35-123 were rejected under 35 U.S.C. § 102 as being anticipated by Kenner et al. (U.S. Patent No. 5,956,716).

In response to Applicant's remarks in the previous Office Action response regarding the rejection of Claim 1, the Office Action states:

> Applicant argues that Kenner does not teach or suggest "means for communicating to a client the identity of a node server having the specified content stored thereon, thereby enabling the client to request transmission of the specified content from the node server" as recited in Claim 1 [see Remarks, Pages 4-6].

> The examiner respectfully disagrees. Kenner explicitly teaches apparatus for effecting the provision of content over a network comprising means for receiving a request from a client for specified content. For example, Kenner discloses requesting and retrieving video clips by the user at the user multimedia terminal [see Kenner, Abstract and Col. 4, Lines 43-64]. In addition, Kenner further teaches means for communicating to the client the identity of a node server having the specified content stored thereon, thereby enabling the client to request transmission of the specified content from the node server. For example, Kenner discloses communications between the web server and the user terminal for transmitting web page and video clips to the user terminal [see Kenner, Fig. 4 and Col. 22, Line 63 to Col. 23, Line 49].

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In the previous Office Action response, Applicant contended that "Kenner et al. do not teach or suggest 'means for communicating to [a] client the identity of a node server having ... specified content stored thereon, thereby enabling the client to request transmission of the specified content from the node server,' as recited in Claim 1," as stated in the above-quoted section of the Office Action. Whether "Kenner explicitly teaches apparatus for effecting the provision of content over a network, comprising means for receiving a request from a client for specified content," as further stated in the above-quoted section of the Office Action is inapposite with respect to that contention.

Moreover, it is not the case that "Kenner ... teaches means for communicating to [a] client the identity of a node server having ... specified content stored thereon, thereby enabling the client to request transmission of the specified content from the node server," as further stated in the above-quoted section of the Office Action. As pointed out in the previous Office Action response, "[r]ather, Kenner et al. teach that an entity (PIM 22) to which a user terminal (analogous to the "client" in Claim 1) communicates a request for a video (content) creates another entity (DSI 30) which requests transmission of video clips of the video to the user terminal" (see the detailed discussion of the teaching of Kenner et al. at pages 5-6 of the previous Office Action response and, in particular, the teaching of Kenner et al. at column 7, lines 14-35 of the Kenner et al. patent that is quoted there). As indicated by that teaching, the PIM 22 does

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not communicate the identity of an entity (the DSI 30 or any other entity) to a user terminal to enable the user terminal to request the transmission of specified content from that entity (or another entity with which that entity communicates).

The above-discussed teaching of Kenner et al., and the remarks in the previous Office Action response regarding that teaching, have not been addressed in the present Office Action. Instead, the present Office Action merely repeats the contention from the previous Office Action that "Kenner discloses communications between [a] web server and [a] user terminal for transmitting web page and video clips to the user terminal [see Kenner, Fig. 4 and Col. 22, Line 63 to Col. 23, Line 49]." Even assuming arguendo that Kenner et al. do so teach, such teaching does not constitute teaching or suggestion of the "means for communicating to [a] client the identity of a node server" recited in Claim 1. Column 22, line 63 to column 23, line 49 of the Kenner et al. patent states:

> The user can, using the browser software 82 on the user terminal 50, browse the Web, accessing Web pages and selecting links as is known in the art. At some point, the user may wish to access a video clip handled by the subscription service. This is done by accessing a Web page on a content provider's Web server 83 or elsewhere. The desired clip may or may not be among those the user has subscribed to.
>
> The content provider's Web server 83 can automatically, on the basis of a combination of the user's and the ISP's subscription parameters known to the content provider, create customized Web pages for each user. This procedure is known in the art. Preferably, the custom Web pages can be created on the ISP's regional Web server 68 (part of the PIM 64). Such an action can be undertaken at regular intervals, for example daily or whenever new content is made available to the system, or immediately upon access by a user. By

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accessing custom Web pages, the user will be informed of what subscription content is available, based on subscription information, contained in the user database discussed above. In this way, the ISP can create a "video guide" set of Web pages containing information the user is interested in, including subscribed-to video clips. The information contained in the ISP's "video guide" can be integrated with the information stored on the user's local SRU 51, thereby providing a seamless view of all content available. By selecting a link on the custom Web pages, the user can request a Web page containing subscription content, which will then be delivered by the system of the invention, even if it is not present within the user's region 81.

At that time, the ISP's Web server 68 (or other Web server 83 or 93) begins to transmit the Web page to the user terminal 50 via traditional means over the Internet 56. Accordingly, data moves from the server (e.g. server 83) to the corresponding router 86 to the Internet 56 (across potentially many nodes) to the user's ISP's router 112 to the head-end communication interface 54, and eventually to the terminal 50. A reference to a desired clip is embedded within the HTML of the Web page. When the user's browser 82, e.g. Netscape Navigator, receives the reference, supplied for example within an EMBED tag, an immediate request is made of the Web server 83 to transmit the embedded file.

The type or format of the embedded file is analyzed by the browser 82. Typically, this is indicated by an extension on the filename of the embedded file and is known in the art. If the desired file is a video clip, the local SRU 51 belonging to the terminal 50 and the browser extension 84 are invoked to receive the data. First, the local SRU 51 intercepts a video ID, a unique identifier specifying the selected clip, which is stored within the EMBED field in the Web page. The local SRU 51 first determines if the desired clip is already stored locally. If not, the local SRU 51 passes the video ID to the PIM 64 associated with the user's terminal 50. The local SRU 51 then awaits authorization from the PIM 64 to proceed with a data transfer.

As can be seen, the foregoing section of the Kenner et al. patent does not teach or suggest the "means for communicating to [a] client the identity of a node server" recited in Claim 1. After

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content is requested by the user terminal 50, the next

communication the user terminal receives is a download of the

content (or a communication that the content is not available);

the user terminal 50 does not receive an identification of an

entity from which the content can be downloaded so that the user

terminal 50 can then communicate with that entity to effect the

content download. If the Examiner continues to contend that the

foregoing section of the Kenner et al. patent teaches the "means

for communicating to [a] client the identity of a node server"

recited in Claim 1, the Examiner is requested to more

particularly identify that teaching.

Further in response to Applicant's remarks in the previous

Office Action response regarding the rejection of Claim 1, the

Office Action states:

> Applicant further argues that an architecture for
> effecting the provision of content over a network as in
> Claim 1 provides advantages not provided by an
> architecture as taught by Kenner et al. For example,
> with an architecture as in Claim 1, the client can
> evaluate the capabilities of node server(s) to deliver
> content and request transmission of the content from
> node server(s) that can best provide the content to the
> client. For instance, as described in Applicant's
> specification at page 27, lines 16-35, the client can
> determine topological proximity of node server(s),
> evaluate the bandwidth and/or latency performance of
> node server(s), consider other scheduled content
> delivery by node server(s), and/or analyze (e.g., trend
> analysis) operation of node server(s), then select node
> server(s) for delivery of content to the client based
> on one or more of those evaluations [see Remarks,
> Page 6].
>
> The examiner respectfully disagrees. In response to
> applicant's argument that the references fail to show
> certain features of applicant's invention, it is noted
> that the features upon which applicant relies (i.c.,
> the client can evaluate the capabilities of node
> server(s) to deliver content and request transmission

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of the content from node server(s) that can best
provide the content to the client. For instance, as
described in Applicant's specification at page 27,
lines 16-35, the client can determine topological
proximity of node server(s), evaluate the bandwidth
and/or latency performance of node server(s), consider
other scheduled content delivery by node server(s),
and/or analyze (e.g., trend analysis) operation of node
server(s), then select node server(s) for delivery of
content to the client based on one or more of those
evaluations) are not recited in the rejected claims.
Although the claims are interpreted in light of the
specification, limitations from the specification are
not read into the claims. See In re Van Guens, 988
F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It is noted that if the features upon which applicant
relies are not recited in the rejected claim 1 as
argued by the applicant, then an architecture for
effecting the provision of content over a network as in
claim 1 cannot provides advantages over an architecture
as taught by Kenner.

In the previous Office Action response, Applicant stated

that "[a]n architecture for effecting the provision of content

over a network as in Claim 1 provides advantages not provided by

an architecture as taught by Kenner et al." Applicant then

identified advantageous capabilities that are enabled by that

architecture. Applicant did not argue that those capabilities

are recited in Claim 1, and the statements in the Office Action

to the contrary misrepresent Applicant's remarks in the previous

Office Action response. Rather, Applicant noted that the

architecture for effecting the provision of content over a

network as in Claim 1 (i.e., apparatus that includes "means for

communicating to [a] client the identity of a node server having

... specified content stored thereon, thereby enabling the client

to request transmission of the specified content from the node

server") enables, for example, the client to evaluate the

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capabilities of node server(s) to deliver content and request

transmission of the content from node server(s) that can best

provide the content to the client (e.g., the client can determine

topological proximity of node server(s), evaluate the bandwidth

and/or latency performance of node server(s), consider other

scheduled content delivery by node server(s), and/or analyze

operation of node server(s), then select node server(s) for

delivery of content to the client based on one or more of those

evaluations). Applicant identified these advantageous

capabilities, which are not enabled by the invention taught by

Kenner et al., to highlight the aspect of Claim 1 not taught or

suggested by Kenner et al. (as had been previously discussed),

i.e., means for communicating to a client the identity of a node

server having requested content stored thereon.

Further in response to Applicant's remarks in the previous

Office Action response regarding the rejection of Claim 1, the

Office Action states:

> Applicant also argues that Kenner does not teach or
> suggest "an owner of a node server can be offered an
> incentive as compensation for transmission of specified
> content to a client" as recited in claim 1 [see
> Remarks, Pages 7-9].
>
> The examiner respectfully disagrees. Kenner further
> teaches means for ascertaining that the node server
> transmitted the specified content to the client. That
> is, Kenner discloses locating audio/video content on
> servers to transmit to the users [see Kenner, Col. 5,
> Lines 16-64]. Last but not least, Kenner does teach an
> owner of the node server is offered an incentive as
> compensation for transmission of the specified content
> to the client. For example, Kenner discloses, based on
> broadest interpretation, drug companies (owner of on-
> line website) placing advertisements and promotions for
> downloading the requested audio-visual information of
> their products [see Kenner, Col. 19, Lines 8-37]. In

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addition, Kenner discloses the subscription to access to the services may be free (incentive) and some clips might be free (incentive) with an appropriate subscription [see Kenner, Col. 33, Lines 34-57 and Col. 34, Lines 16-28].

In the above-quoted section of the Office Action, it is contended that "Kenner discloses locating audio/video content on servers to transmit to the users" and that such description constitutes teaching of means for ascertaining that a node server transmitted specified content to a client. However, that is clearly not the case. Locating audio/video content on servers to transmit to the users simply is not ascertaining that a node server transmitted specified content to a client: identifying that a server has content stored thereon indicates nothing about whether that server actually transmitted the content to another entity. Moreover, whether "Kenner discloses locating audio/video content on servers to transmit to the users" is clearly inapposite with respect to Applicant's contention in the previous Office Action response, discussed in the above-quoted section of the Office Action, that "Kenner et al. also do not teach or suggest that an owner of a node server can be offered an incentive as compensation for transmission of specified content to a client, as recited in Claim 1."

Further, contrary to the contention in the Office Action, the statement at column 19, lines 35-37 of the Kenner et al. patent that "drug companies may place advertisements about promotional drugs on the video clips for use by the physician" does not constitute teaching that an owner of a node server can be offered an incentive as compensation for transmission of

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specified content to a client, as recited in Claim 1. In Example 2 described in the Kenner et al. patent at column 19, lines 8-37, the third party text database can be analogous to the apparatus recited in Claim 1 (i.e., receives requests for content), the physician can be analogous to the client recited in Claim 1 (i.e., makes requests for content), and a drug video can be analogous to the specified content recited in Claim 1. However, the drug companies are not analogous to node server owners and do not operate node servers. The drug companies do not receive requests for content from physicians nor provide content to physicians. To the extent that the capability of placing an advertisement in a drug video is compensation to a drug company, that is compensation for allowing the drug video (which is produced by the drug company) to be provided to physicians (i.e., compensation to a content owner for allowing its content to be provided to others), not compensation for the physical act of providing the drug videos to physicians (i.e., not compensation for transmitting specified content to others).

Additionally, the contention in the Office Action that Kenner et al.'s teaching that "[a] subscription to access to [s]ervices may be free (incentive) and some clips might be free (incentive) with an appropriate subscription [see Kenner, Col. 33, Lines 34-57 and Col. 34, Lines 16-28]" constitutes compensation to a node server is clearly incorrect. Those sections of the Kenner et al. patent concern aspects of subscriptions by end users, i.e., clients. Thus, even assuming arguendo that provision of a free subscription and/or a free clip

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is compensation, that compensation is to a client, not a node server owner as in the method of Claim 1. Moreover, such "compensation" is not given for transmitting content via a network, as is the case in the method of Claim 1.

Finally, in response to Applicant's remarks in the previous Office Action response regarding the rejection of Claim 1, the Office Action states:

> In view of the foregoing, the examiner asserts that the cited reference (Kenner et al, U.S. Pat. No. 5,956,716) does teach or suggest the subject matter recited in independent claim 1. Claims 2-20, 22-25 and 27-34 depend, either directly or indirectly, on claim 1 and are therefore rejected at least by virtue of their dependency on independent claim 1 and by other reasons set forth above.

As discussed above, Kenner et al. do not teach or suggest a method as recited in Claim 1. Further, even if Kenner et al. did teach or suggest a method as recited in Claim 1, that would not then necessarily render claims dependent on Claim 1 unpatentable over the teaching of Kenner et al., as erroneously contended in the Office Action. (In contrast, dependency on an allowable claim does make a claim allowable, as pointed out in the previous Office Action response with respect to the dependent claims of this application and again below in this Response.)

In view of the foregoing, Claim 1 is allowable over the teaching of Kenner et al. Claims 2-20, 22-25 and 27-34 each depend, either directly or indirectly, on Claim 1 and are therefore allowable as dependent on an allowable claim.

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In response to Applicant's remarks in the previous Office
Action response regarding the rejection of Claim 35, the Office
Action states:

> In addition, applicant further argues that Kenner does
> not teach or suggest "means for communicating the
> identity of the candidate node servers to the client to
> enable the client to request transmission of the
> requested content via the network from one or more of
> the candidate node servers," as recited in claim 35
> [see Remarks, Pages 9-10].
>
> The examiner respectfully disagrees. Kenner explicitly
> teaches apparatus for effecting the provision of
> content over a network comprising means for receiving a
> request from a client for specified content. For
> example, Kenner discloses requesting and retrieving
> video clips by the user at the user multimedia terminal
> [see Kenner, Abstract and Col. 1, Lines 43-64]. In
> addition, Kenner further teaches means for
> communicating the identity of the candidate node
> servers to the client to enable the client to request
> transmission of the requested content via the network
> from one or more of the candidate node servers. For
> example, Kenner discloses communications between the
> web server and the user terminal for transmitting web
> page and video clips to the user terminal [see Kenner,
> Fig. 4 and Col. 22, Line 63 to Col. 23, Line 49] and
> determining the closest server containing the request
> video clips and geographical distribution [see Kenner,
> Fig. 4 and Abstract and Col. 5, Lines 39-64 and
> Col. 16, Lines 14-61 and Col. 23, Lines 3-65].
>
> In view of the foregoing, the examiner asserts that the
> cited reference (Kenner et al, U.S. Pat. No. 5,956,716)
> does teach or suggest the subject matter recited in
> independent claim 35. Claims 36-51 depend, either
> directly or indirectly, on claim 35 and are therefore
> rejected at least by virtue of their dependency on
> independent claim 35 and by other reasons set forth
> above.

For reasons as discussed above with respect to Claim 1,
Kenner et al. do not teach or suggest "means for communicating
the identity of candidate node servers to [a] client to enable
the client to request transmission of ... requested content via
[a] network from one or more of the candidate node servers," as

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recited in Claim 35. In view of the foregoing, Claim 35 is allowable over the teaching of Kenner et al. Claims 36-51 each depend, either directly or indirectly, on Claim 35 and are therefore allowable as dependent on an allowable claim.

In response to Applicant's remarks in the previous Office Action response regarding the rejection of Claim 52, the Office Action states:

> Similarly, applicant repeatedly argues that Kenner does not teach or suggest "means for communicating the identity of the candidate node servers to the client to enable the client to request transmission of the requested content via the network from one or more of the candidate node servers" as recited in Claim 52 [see Remarks, Pages 11-12].

> The examiner respectfully disagrees. Kenner explicitly teaches apparatus for effecting the provision of content over a network comprising means for receiving a request from a client for specified content. For example, Kenner discloses requesting and retrieving video clips by the user at the user multimedia terminal [see Kenner, Abstract and Col. 4, Lines 43-64]. In addition, Kenner further teaches means for communicating the identity of the candidate node servers to the client to enable the client to request transmission of the requested content via the network from one or more of the candidate node servers. For example, Kenner discloses communications between the web server and the user terminal and the web server for requesting contents [see Kenner, Fig. 4 and Col. 22, Line 63 to Col. 23, Line 49].

> In view of the foregoing, the examiner asserts that the cited reference (Kenner et al, U.S. Pat. No. 5,956,716) does teach or suggest the subject matter recited in independent claim 52. Claims 53-68 depend, either directly or indirectly, on claim 52 and are therefore rejected at least by virtue of their dependency on independent claim 52 and by other reasons set forth above.

For reasons as discussed above with respect to Claim 1, Kenner et al. do not teach or suggest "means for communicating the identity of ... candidate node servers to [a] client to

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enable the client to request transmission of ... requested content via [a] network from one or more of the candidate node servers," as recited in Claim 52. In view of the foregoing, Claim 52 is allowable over the teaching of Kenner et al. Claims 53-68 each depend, either directly or indirectly, on Claim 52 and are therefore allowable as dependent on an allowable claim.

In response to Applicant's remarks in the previous Office Action response regarding the rejection of Claim 69, the Office Action states:

> Similarly, applicant repeatedly argues that Kenner does not teach or suggest "means for communicating the identity of the candidate node server television set-top boxes to the client television set-top box to enable the client television set-top box to request transmission of the requested content via the network from one or more of the candidate node server television set top boxes," as recited in Claim 69 [see Remarks, Pages 12-13].

> The examiner respectfully disagrees. Kenner explicitly teaches apparatus for effecting the provision of content over a network comprising means for receiving a request from a client for specified content. For example, Kenner discloses requesting and retrieving video clips by the user at the user multimedia terminal [see Kenner, Abstract and Col. 4, Lines 43-64]. In addition, Kenner further teaches means for communicating the identity of the candidate node servers to the client to enable the client to request transmission of the requested content via the network from one or more of the candidate node servers. For example, Kenner discloses communications between the web server and the user terminal and the web server for requesting contents [see Kenner, Fig. 4 and Col. 22, Line 63 to Col. 23, Line 49].

> In view of the foregoing, the examiner asserts that the cited reference (Kenner et al, U.S. Pat. No. 5,956,716) does teach or suggest the subject matter recited in independent claim 69. Claims 70-76 depend, either directly or indirectly, on claim 69 and are therefore rejected at least by virtue of their dependency on independent claim 69 and by other reasons set forth above.

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For reasons as discussed above with respect to Claim 1, Kenner et al. do not teach or suggest "means for communicating the identity of ... candidate node server television set-top boxes to [a] client television set-top box to enable the client television set-top box to request transmission of ... requested content via [a] network from one or more of the candidate node server television set-top boxes," as recited in Claim 69. In view of the foregoing, Claim 69 is allowable over the teaching of Kenner et al. Claims 70-76 each depend, either directly or indirectly, on Claim 69 and are therefore allowable as dependent on an allowable claim.

Regarding Claim 77, the Office Action stated that "Claim 77 is rejected under the same rationale set forth above to claim 1." Claim 77 is allowable over the teaching of Kenner et al. for the same reasons as given above with respect to Claim 1. Claims 78-94 each depend, either directly or indirectly, on Claim 77 and are therefore allowable as dependent on an allowable claim.

Regarding Claim 95, the Office Action stated that "Claim 95 is rejected under the same rationale set forth above to claim 35." Claim 95 is allowable over the teaching of Kenner et al. for the same reasons as given above with respect to Claim 35. Claims 96-107 each depend, either directly or indirectly, on Claim 95 and are therefore allowable as dependent on an allowable claim.

Regarding Claim 108, the Office Action stated that "Claim 108 is rejected under the same rationale set forth above to claim 52." Claim 108 is allowable over the teaching of Kenner

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et al. for the same reasons as given above with respect to Claim 52. Claims 109-120 each depend, either directly or indirectly, on Claim 108 and are therefore allowable as dependent on an allowable claim.

Regarding Claim 121, the Office Action stated that "Claim 121 is rejected under the same rationale set forth above to claim 1." Claim 121 is allowable over the teaching of Kenner et al. for the same reasons as given above with respect to Claim 1.

Regarding Claim 122, the Office Action stated that "Claim 122 is rejected under the same rationale set forth above to claim 35." Claim 122 is allowable over the teaching of Kenner et al. for the same reasons as given above with respect to Claim 35.

Regarding Claim 123, the Office Action stated that "Claim 123 is rejected under the same rationale set forth above to claim 52." Claim 123 is allowable over the teaching of Kenner et al. for the same reasons as given above with respect to Claim 52.

In view of the foregoing, it is requested that the rejection of Claims 1-20, 22-25, 27-33 and 35-123 under 35 U.S.C. § 102 be withdrawn.

Rejection of Claims under 35 U.S.C. § 103

In the Office Action, Claims 21, 26 and 34 were rejected under 35 U.S.C. § 103 as unpatentable over Kenner et al. (U.S. Patent No. 5,956,716).

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Claims 21, 26 and 34 each depend, either directly or indirectly, on Claim 1 and are therefore allowable over the teaching of Kenner et al. for at least the reasons given above with respect to Claim 1.

In view of the foregoing, it is requested that the rejection of Claims 21, 26 and 34 under 35 U.S.C. § 103 be withdrawn.

New Claims

Claims 124-127 have been added.

Claim 124 recites:

> Apparatus for effecting the provision of content over a network, comprising:
> a receiver, wherein:
> the receiver is adapted to receive a request from a client for specified content; and
> the receiver is adapted to receive an identification of a node server that transmitted the specified content to the client, wherein an owner of the node server so identified is offered an incentive as compensation for transmission of the specified content to the client; and
> a transmitter, wherein the transmitter is adapted to communicate to the client the identity of a node server having the specified content stored thereon, thereby enabling the client to request transmission of the specified content from the node server so identified.

For reasons similar to those discussed above, Kenner et al. do not teach or suggest "[a]pparatus for effecting the provision of content over a network, comprising ... a transmitter ... adapted to communicate to [a] client the identity of a node server having ... specified content [requested by the client] stored thereon, thereby enabling the client to request transmission of the specified content from the node server so

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identified," as recited in Claim 124. Likewise, for reasons

similar to those discussed above, Kenner et al. also do not teach

or suggest that an owner of a node server identified, using a

receiver of the apparatus, as having transmitted the specified

content to the client is offered an incentive as compensation for

transmission of the specified content to the client, as recited

in Claim 124. Thus, Claim 124 is allowable.

Claim 125 recites:

> Apparatus for effecting the provision of content
> over a network, comprising:
> a receiver, wherein the receiver is adapted
> to receive a request for content from a client;
> a processor, wherein:
> the processor is adapted to determine
> the location of the client within the
> network;
> the processor is adapted to identify the
> location of a plurality of node servers
> within the network that have at least part of
> the requested content stored thereon; and
> the processor is adapted to select from
> the plurality of node servers one or more
> candidate node servers that are determined to
> be topologically proximate to the client; and
> a transmitter, wherein the transmitter is
> adapted to communicate the identity of the
> candidate node servers to the client to enable the
> client to request transmission of the requested
> content via the network from one or more of the
> candidate node servers.

For reasons similar to those discussed above, Kenner et al.

do not teach or suggest "[a]pparatus for effecting the provision

of content over a network, comprising ... a transmitter ...

adapted to communicate the identity of ... candidate node servers

to [a] client to enable the client to request transmission of ...

requested content via the network from one or more of the

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candidate node servers," as recited in Claim 125. Thus,

Claim 125 is allowable.

Claim 126 recites:

Apparatus for effecting the provision of content over a network, comprising:
a receiver, wherein the receiver is adapted to receive a request from a client that is part of the network for transmission of a set of content to the client, wherein at least part of the requested set of content is stored on redundant node servers;
a processor, wherein:
the processor is adapted to identify which of a plurality of sets of content or parts of the plurality of sets of content are stored by each of a plurality of node servers that are part of the network, at least one of the plurality of sets of content or parts of the plurality of sets of content being stored on redundant node servers; and
the processor is adapted to select from the plurality of node servers one or more candidate node servers that have stored thereon at least part of the requested set of content; and
a transmitter, wherein the transmitter is adapted to communicate the identity of the candidate node servers to the client to enable the client to request transmission of the requested content via the network from one or more of the candidate node servers.

For reasons similar to those discussed above, Kenner et al.

do not teach or suggest "[a]pparatus for effecting the provision

of content over a network, comprising ... a transmitter ...

adapted to communicate the identity of ... candidate node servers

to [a] client to enable the client to request transmission of ...

requested content via the network from one or more of the

candidate node servers," as recited in Claim 126. Thus,

Claim 126 is allowable.

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Claim 127 recites:

> Apparatus for effecting the provision of content over a television network, comprising:
> a receiver, wherein the receiver is adapted to receive a request from a client television set-top box that is part of the network for transmission of a set of content to the client television set-top box, wherein at least part of the requested set of content is stored on one or more node server television set-top boxes;
> a processor, wherein:
> the processor is adapted to identify which of a plurality of sets of content or parts of the plurality of sets of content are stored by each of a plurality of node server television set-top boxes that are part of the network; and
> the processor is adapted to select from the one or more node server television set-top boxes one or more candidate node server television set-top boxes; and
> a transmitter, wherein the transmitter is adapted to communicate the identity of the candidate node server television set-top boxes to the client television set-top box to enable the client television set-top box to request transmission of the requested content via the network from one or more of the candidate node server television set-top boxes.

For reasons similar to those discussed above, Kenner et al. do not teach or suggest "[a]pparatus for effecting the provision of content over a television network, comprising ... a transmitter ... adapted to communicate the identity of ... candidate node server television set-top boxes to [a] client television set-top box to enable the client television set-top box to request transmission of ... requested content via the network from one or more of the candidate node server television set-top boxes," as recited in Claim 127. Thus, Claim 127 is allowable.

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CONCLUSION

Claims 1-123 were pending and were rejected. Claims 124-127 have been added. In view of the foregoing, it is requested that Claims 1-127 be allowed. If the Examiner wants to discuss any aspect of this application, the Examiner is invited to telephone Applicant's undersigned attorney at (408) 945-9912.

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, Group Art Unit 2155, facsimile number (571) 273-8300, on December 1, 2006.

___12-1-06___   ___David R. Graham___
Date   Signature

Respectfully submitted,

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